

Response to Comments

MONTANA HAZARDOUS WASTE PERMIT MODIFICATION

Phillips 66 Company Billings Refinery
401 South 23rd Street
Billings, Montana

DEQ received comments from two individuals on the draft modification of Montana Hazardous Waste Permit #MTHWP-18-01 for Phillips 66 Company Billing Refinery (Phillips 66). DEQ is issuing a Response to Comments in accordance with 40 Code of Federal Regulations (CFR) 124.17 (incorporated by reference in Administrative Rules of Montana (ARM) 17.53.1201). DEQ's response to comments are listed below.

Comments submitted by J.D. Davidson.

Mr. Davidson's comments are presented in order and in italics below. Only those portions of Mr. Davidson's comments related to Phillips 66 Company's permit modification are addressed. The addressed portions of the comments are bolded:

*... just across S. 27th street . South of phillips 66 refinery. On kimble dr
There is a contaminated ditch its been there for 32 years.*

Soil and groundwater data collected under the hazardous waste permit does not indicate that contamination from the refinery extends south near Kimble Drive. Two figures are attached to help explain petroleum hydrocarbon contamination at the refinery. Figure 4 shows light non-aqueous phase liquid (LNAPL) detections at the refinery and Figure 5 shows the concentrations of benzene, toluene, ethylbenzene, and xylene (Total BTEX) detected in groundwater in 2021.

LNAPL contamination impacts refinery property and adjacent property to the north. Total BTEX concentrations extend off site to the north of the site. However, BTEX contamination has improved significantly with the implementation of cleanup activities.

*As long as I've lived down hear. It smells like rotten eggs its either ConocoPhillips or sugar beat factories. I've **read about phillips 66 buired under ground tanks for storing hydrocarbons. The tanks started leaking over 20 years ago which contaminated parts of the Southside of Billings.***

Currently, there are no underground storage tanks at the Phillips 66 Company Billings Refinery. The extent and magnitude of on and off-site contamination resulting from activities at the refinery has been investigated, as required by the hazardous waste permit. Please see the attached Figures that show contamination at the refinery. Phillips 66 Company is required to be cleaned up contamination under the hazardous waste permit.

*I worked on the construction of the sulfer plant building at phillips 66. The outside air handler placed on the roof. Wasn't zinc plated. After 6 months the brand new air handler Was completly destroyed from the contamination being feleased in the air. The air handler had huge holes in it. It couldn't be repaired it had to be replaced. So what does that say about the toxins phillips 66 expodsed the residents who live in a close proximity. I have relatives that were ground zero during the Silver tip pipeline rupture in laurel. I was there when it ruptured. The oil and river flooded property with Hydro carbons. . Thewater was 2' deep. SATURATED with benzene and God knows what exxon told us it was perfectly safe to walk in. Which we did for 4 days until the river dropped below the flood plain. Exxon lied to us they said we had to have crops in order to recieve damages. We recieved no compensation. My girlfriend started having irregular monthly cycles from the benzene exposure it went from 3 or 4 days to 3 or 4 weeks for almost 2 years. Exxon took no responsibility. **The article I read in the gazette today was full of those same lies about how the Hydro carbons didn't leak past phillips 66 property lines.***

DEQ is aware of off-site hydrocarbon contamination caused by Phillips 66. Please see the attached Figures 4 and 5 from DEQ's document Statement of Basis published on July 29, 2022 on DEQ's website. The Statement of Basis discusses off-site contamination from the refinery and the corrective action activities to cleanup contamination. It is unfortunate if the Gazette's article was not clear about the scientific information in DEQ's publication.

How dumb do you guys think we are.. Here is another instance. Northwest energy new gas plant floodplain permit. In laurel. The public official in charge of the floodplain permit. Said byron pipeline wasn't leaving the property in question. It passed the byron pipeline flood plain permit, by saying it doesn't cross the river. Where the land board approved it to cross. Well there are 2 pipeline markers showing it does leave on that property. And the flood plain administrator lied for Northwest Energy . So I say why do state agency's bother to ask the public for there opinion like it matters. Big business will always get what they want. The poor people who have to live around these toxic waste sites will get cancer and die. That's just how the cookie crumbles in this day and age. In a fair and just system phillips 66 should have to award damages to residents living with in a certain distance from phillps 66. I've outlined 3 instances of Big Buisiness taking advantage of Montana Residents AND TAKING ADVANTAGE OF OUR ENVIORMENT THAT RESIDENTS OF THE SOUTHSIDE AND LAUREL are forced to live in. There was 12 million dollars allocated to cleanup after the Silver Tip pipeline rupture. I have a letter from ALICIA STICKNEY. STATING THERE WAS MONEY OUT OF THE 12 MILLION PUT ASIDE TO CLEAN UP GROUND ZERO. NOT ONE CENT WAS PUT BACK INTO RESTORING GROUND ZERO THE AREA THAT TOOK THE BRUNT OF THE OIL SPILL. I THINK ALICIA DID A GOOD JOB Handling the Silver tip oil spill. enviormental disasters are devastating. Yellowstone pipeline restoration project. That was written plan of what could be done but nothing was done to restore the habitat of ground

zero. Who knows where all the money went. I'm just guessing but phillips 66 I'm sure will have to pay a multimillion dollar fine. I'm sure just like before. Not one dime will go towards resoring the habitat of the next ground zero. J.D. DAVIDSON

The comments regarding air quality equipment at Jupiter Sulfur and pipeline releases to the Yellowstone River are not related to the draft permit modification. Therefore, these comments will not be addressed in the Response to Comments for the hazardous waste permit modification.

The comments submitted by Janna Wittenberg:

These comments are in the order presented and in italics below:

Thank you for taking comments about this plan. I have a few questions.

- 1) have they re-assessed what's happening since the flood earlier this summer moved where the Yellowstone is at?*

The refinery is located about 1000 feet west of the river and was not impacted during the 2022 flooding event of the Yellowstone River. Therefore, DEQ does not anticipate that the 2022 flooding impacted groundwater contamination. DEQ has not required Phillips 66 to reevaluate the proposed remedy or conduct additional groundwater or soil contamination assessments in response to Yellowstone River flooding in 2022.

- 2) have they considered other means of stopping the spread? There is only one option listed.*

The Statement of Basis summarizes the proposed remedy submitted by Phillips 66 Company in *2021 Outstanding SWMU/AOC Corrective Measures Study Report* dated November 8, 2021. Phillips presented a screening of potential technologies based on implementability, effectiveness, and cost. A single corrective measures alternative was proposed that is anticipated to achieve the corrective measures objectives of the site. The proposed remedy's primary technologies are various sparging technologies and source removal of non-aquas phase liquid (NAPL).

At Phillips 66 Company, the 2nd Street Biosparge System was implemented in 2015 as an Interim Measures. The functionality of this sparging system has been proven. In addition, sparging technologies have been effectively used at other Montana sites with hydrocarbon contamination.

- 3) since they have not been able to stop the spread to date, and the site is right next to the river, which is drinking water for many people and livestock, would it be prudent to consider stopping using that site at all and relocating future deposits away from the river?*

Figure 7 from the Statement of Basis is attached which demonstrates the positive change in concentrations of benzene, toluene, ethylbenzene, and xylene (Total BTEX) at

the refinery. Figure 7 shows BTEX detected in groundwater in 2014 and in 2021. BTEX contamination has improved significantly with the implementation of cleanup activities.

The permit requires cleanup of historical contamination. The hazardous waste permit does not allow new or ongoing disposal of hazardous waste at the site. Therefore, there are no current deposits of hazardous waste. Ongoing refinery operations may result in spills or releases of materials, which are required to be promptly cleaned up.

DEQ has decided to issue a modification to Phillips 66's hazardous waste permit. A permit modification is necessary for DEQ to select a remedy for certain areas of the refinery. The permit modification will require remedy implementation. Remedy implementation would improve groundwater quality. The decision is dated September 30, 2022.

An appeal of DEQ's decision must be submitted to the Montana Board of Environmental Review by October 31, 2022 (75-10-406(4), Montana Code Annotated). The final permit decision shall become effective on November 1, 2022, unless appealed.

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